

State Office Building. The public entrance is on the north side of the building.

A copy of the full text of the regulations and the economic impact statement may be reviewed or obtained at the board office. They are also available on the board website at www.ksbsrb.ks.gov under proposed regulations. The following is a summary of the proposed regulations and economic statement. The board does not have a less costly or less intrusive method for achieving the stated purpose of these regulations.

K.A.R. 102-3-7b Implements the approved 2016 statute (K.S.A. 65-5818) that identifies the training requirements that must be met for an individual to receive the designation of board approved clinical supervisor associated with the licensure of Professional Counselors.

K.A.R. 102-5-7b Implements the approved 2016 statute (K.S.A. 65-6414) that identifies the training requirements that must be met for an individual to receive the designation of board approved clinical supervisor associated with the licensure of Marriage and Family Therapists.

Economic impact: There would be an economic impact to Professional Counselor and Marriage and Family Therapy Supervisors as a result of the requirement for their licensure under these regulations. There would be no economic impact to other BSRB licensees, any other governmental agencies, or the public.

Max L. Foster, Jr.
Executive Director

Doc. No. 045422

State of Kansas

Department of Health and Environment

Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Environmental Remediation, will conduct a public hearing at 10:00 a.m. Thursday, July 27, 2017, in the Flint Hills Conference Room, third floor, Curtis State Office Building, 1000 SW Jackson, Topeka, to consider the adoption of proposed amended voluntary cleanup and property redevelopment program (VCPRP) regulations K.A.R. 28-71-1 through 28-71-12.

A summary of the proposed regulations and the estimated economic impact follows:

Summary of Regulations:

K.A.R. 28-71-1. Definitions. Amendments add or revise the terms "class one contamination," "class two contamination," "environmental use control," "environmental site assessment," "maximum contaminant level," and "risk management plan" and remove the terms "adjacent property," "class three contamination," "class four contamination," and "qualified environmental professional."

K.A.R. 28-71-2. Applicant. Amendments clarify the applicant's relationship to the property.

K.A.R. 28-71-3. Eligibility determination. Amendments clarify that properties described in the application are required to meet the criteria defined in K.S.A. 65-34, 161, et seq.

K.A.R. 28-71-4. Application process. Amendments clarify the application and reapplication process.

K.A.R. 28-71-5. Classification determination. Amendments clarify supporting information needed to justify contaminant class and revise and consolidate contamination classes resulting in two classes instead of four.

K.A.R. 28-71-6. Voluntary agreement. Amendments revise the initial deposit amount for contaminant Class I from \$1,000 to \$2,000. The initial deposit for contaminant Class II will not exceed \$5,000. Previous classification deposit amounts for Class II, III and IV sites did not exceed \$5,000.

K.A.R. 28-71-7. Initial deposit and reimbursement. Amendments require applicant to maintain a balance of \$1,000 for Class I properties and \$2,000 for Class II properties in the voluntary party's account until project completion. Amendments also revise oversight requirements.

K.A.R. 28-71-8. Environmental site assessments. Amendments revise qualifications necessary for persons conducting the assessment and the information required in the assessment. A "qualified environmental professional" is removed and replaced with "an individual who possesses the education, experience, or licensure sufficient to prepare a competent environmental site assessment."

K.A.R. 28-71-9. Voluntary cleanup work plans and reports. Amendments require work to be performed in accordance with standard industry practices and add flexibility for voluntary parties in developing the scope of work. Amendments revise the objectives for remediation proposals and allow verification sampling to be conducted by the voluntary party, KDHE, or both.

K.A.R. 28-71-10. No further action determination. Amendments establish new pathways and classifications for no further action (NFA) determinations for a property.

K.A.R. 28-71-11. Remedial standards and remedial actions. Amendments clarify the approaches to determine the appropriate soil and groundwater cleanup levels based on actual and most probable use of groundwater.

K.A.R. 28-71-12. Public notification and participation. Amendments remove duplicative language addressed in statute for public notification and participation.

Economic Impact

All of the regulation amendments are expected to be at a neutral or reduced cost to all parties as the changes provide flexibility in site assessment and remediation.

Cost to the agency: No additional costs will be incurred by KDHE. KDHE will utilize existing positions and major office equipment to implement and administer the changes to the voluntary cleanup program.

Cost to the public: No additional costs will be incurred by the public.

Cost to a voluntary cleanup party (industry, business, private citizens): There will be an initial deposit increase from \$1,000 to \$2,000 for each Class I site enrolled in the VCPRP.

KDHE has evaluated the fiscal impact to voluntary parties that enrolled Class I sites in the VCPRP from 2010 to 2016. The average cost per Class I site was \$2,030.00, more than double the initial deposit. The increase in the deposit to \$2,000 will allow for a smoother transition to

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completion without delay due to lack of funds to cover KDHE's costs associated with the project. Any remaining funds in the account are returned to the voluntary party if they are mutually terminated from the program.

KDHE anticipates a decrease in capital and annual costs of compliance to the voluntary party because the proposed amendments will offer flexibility on the path to closure, eliminating the need for many low risk sites to languish in the program.

The proposed amendments to the regulations will provide a clear and concise path to closure for voluntary cleanup sites that is less onerous to businesses, municipalities, and industry but that allow protection of human health and the resources of the state.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to 5 p.m. on the day of the hearing to Deanna Ross, Kansas Department of Health and Environment, Bureau of Environmental Remediation, 1000 SW Jackson, Suite 410, Topeka, 66612, by email to Deanna.ross@ks.gov, or by fax to 785-559-4261. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed amended regulations as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed amended regulations and the corresponding regulatory impact statement may be obtained from the KDHE Bureau of Environmental Remediation website at <http://www.kdheks.gov/ars/vcp/index.html> or by contacting Deanna Ross at Deanna.ross@ks.gov, 785-296-8064, or fax 785-559-4261. Questions pertaining to the proposed amended regulations should be directed to Deanna Ross at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the regulatory impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Deanna Ross.

Susan Mosier, MD, MBA, FACS
Secretary and State Health Officer

Doc. No. 045417

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-30. Retailer bonus. (a) On all Powerball, Mega Millions, Hot Lotto, and Super Kansas Cash drawings in which the prize claimed and awarded is the "jackpot prize" offered in the game it represents, the Kansas lottery retailer(s) selling the ticket(s) shall receive \$10,000

for Powerball, \$10,000 for Mega Millions, \$2,500 for Hot Lotto, and \$1,000 for Super Kansas Cash, or share equally in a bonus if there are multiple winners and the prize is paid on a parimutuel basis. The bonus shall be in addition to compensation specified in K.A.R. 111-2-4.

(b) A "jackpot prize" is the highest prize awarded in the prize structure of the Powerball, Mega Millions, Hot Lotto, or Super Kansas Cash game it represents.

(c) On all Powerball drawings where the prize claimed and awarded is less than the jackpot prize and is not less than \$200,000, the Kansas lottery retailer selling the ticket shall receive \$1,000.

(d) On all Keno drawings where the prize claimed and awarded is not less than \$100,000, the Kansas lottery retailer selling the ticket shall receive \$1,000.

(e) On all raffle game drawings where the prize claimed and awarded is not less than \$1,000,000, the Kansas lottery retailer selling the ticket shall receive \$1,000.

(f) On all Mega Millions drawings where the prize claimed and awarded is less than the jackpot prize and is not less than \$250,000, the Kansas lottery retailer selling the ticket shall receive \$1,000.

(g) On all Lucky for Life drawings where the top prize claimed and awarded is not less than \$1,000 a day for life or the cash option equivalent, the Kansas lottery retailer selling the ticket shall receive \$2,500.

(h) In addition to other commissions and bonuses received, each retailer shall receive a sales bonus of one percent (1%) of each instant and online tickets sold by the retailer where the prize claimed and awarded is over \$599, with a minimum bonus of \$10 and a maximum bonus of \$100. A retailer receiving a bonus pursuant to subsections (a), (b), (c), (d), (e) or (f) above shall not be entitled to this bonus.

(i) A bonus as provided in subsections (a), (b), (c), (d), (e), (f), or (g) above shall only be paid to a Kansas lottery retailer that, at the time the qualifying prize is claimed and awarded, is not delinquent in any payments due the lottery, is a certified lottery retailer, is not suspended or on "hold" status, and is otherwise in compliance with retailer's contract with the lottery. In the event a bonus is earned but the retailer is not at that time eligible to receive the bonus, the lottery will withhold payment or credit for up to 90 days to allow the retailer to cure any such delinquency or other deficiency. If after 90 days the retailer fails to cure said delinquency or deficiency, the retailer shall forfeit said bonus. Under extenuating circumstances, as determined by the executive director, the time for curing said delinquency or deficiency may be extended. (Authorized by and implementing K.S.A. 2016 Supp. 74-8710; effective, T-111-8-5-94, July 15, 1994; amended, T-111-3-22-95, March 16, 1995; amended, T-111-5-22-96, May 15, 1996; amended, T-111-6-27-96, June 21, 1996; amended, T-111-7-22-96, July 19, 1996; amended, T-111-3-13-98, Feb. 20, 1998; amended, T-111-5-28-98, May 15, 1998; amended, T-111-7-19-99, June 17, 1999; amended, T-111-6-8-00, May 12, 2000; amended, T-111-7-31-00, July 21, 2000; amended, T-111-11-14-00, Oct. 20, 2000; amended, T-111-3-30-06, March 15, 2006; amended, T-111-12-24-2009, Dec. 16, 2009; amended, T-111-1-29-10, Jan. 20, 2010; amended, T-111-4-21-17, March 8, 2017.)